

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

FRANKLIN QUILES-OLIVO,

Plaintiff,

v.

POLICE OF PUERTO RICO, et al.,

Defendants.

CIVIL NO. 08-2383 (FAB)

MEMORANDUM AND ORDER

BESOSA, District Judge.

A district court may refer pending dispositive motions to a magistrate judge for a report and recommendation. See 28 U.S.C. §636(b) (1) (B); Fed. R. Civ. P. 72(b); Loc. Rule 72(a). Any party adversely affected by the report and recommendation may file written objections within ten days of being served with the magistrate judge's report. See 28 U.S.C. §636(b) (1). A party that files a timely objection is entitled to a *de novo* determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Sylva v. Culebra Dive Shop, 389 F.Supp.2d 189, 191-92 (D.P.R. 2005) (citing United States v. Raddatz, 447 U.S. 667, 673 (1980)). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992). In conducting its review, the court is free to "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate

Civil No. 08-2383 (FAB)

2

judge." 28 U.S.C. §636 (a)(b)(1). Templeman v. Chris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985); Alamo Rodriguez v. Pfizer Pharmaceuticals, Inc., 286 F.Supp. 2d 144, 146 (D.P.R. 2003). Furthermore, the Court may accept those parts of the report and recommendation to which the parties do not object. See Hernandez-Mejias v. General Elec., 428 F.Supp. 2d 4, 6 (D. P.R. 2005) (citing Lacedra v. Donald W. Wyatt Detention Facility, 334 F.Supp. 2d 114, 125-126 (D.R.I. 2004)).

On May 7, 2009, the United States magistrate judge issued a Report and Recommendation (R&R) in this case, recommending that defendant Laudelina Santos-Nieves' motion to dismiss be **GRANTED**. (Docket No. 51)

Plaintiff has failed to object to the R&R within the time provided. Nevertheless, the Court has made an independent examination of the record in this case, and **ADOPTS** the magistrate judge's findings and recommendations as the opinion of this Court.

Accordingly, plaintiff's claims against defendant Laudelina Santos-Nieves are **DISMISSED, WITH PREJUDICE**.

IT IS SO ORDERED.

San Juan, Puerto Rico, May 27, 2009.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE